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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/135,504	06/22/1998	PHILLIP IGBINADOLOR		9420

7590 09/11/2002

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EXAMINER

GRANT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/11/2002

35

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action SummaryApplication No.
09/135,504Applicant(s)
IGBINADOLORExaminer
Christopher GrantArt Unit
2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 11, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jun 22, 1998 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Note to applicant

1. This Office Action is response to the Request for Continued Examination (RCE) filed by applicant on 4/11/2002. Applicant's response does not include any changes to the specification, drawings or claims. However, it appears that a blue book with the "INVENTION SUBMISSION CORPORATION" (ISC) logo was submitted by applicant. The blue book included four separate sets of documents and a search report by ISC (listing five US patents) . All documents including the five patents will be considered by the examiner.
2. Since applicant did not correct the defects to the specification, drawings and claims, the current Office Action will re-iterate the defects. Additionally, the examiner has included three suggested draft claims below.
3. **An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure.** While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

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4. Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Status of Application

5. Applicant's application cannot be allowed (i.e. cannot be patented) at this time because of the following:

- (i) the specification appears to contain new matter.
- (ii) the claims appear to contain new matter.
- (iii) the claims are vague and/or indefinite.

6. Applicant's application fails to meet the legal requirements of 35 United States Code (USC).

Additionally, applicant's application has formal defects governed by 37 Code of Federal Regulations (CFR).

All statutes (35 USC) and rules 37 CFR are provided on the PTO web site at www.uspto.gov.

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Defects under 35 USC are very serious and **must** be overcome. Deficiencies under 37 CFR are less serious, but applicant must still overcome them. The examiner if needed, can assist applicant in fulfilling the requirements of 37 CFR.

Specification

7. The substitute specification filed 5/23/01 is rejected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

a) On page 3, lines 18-21, “**...Fig. 1 of embodied components of mike and cam of alternate wire switch designed to capture and still audio/video pictures while in satellite/wireless mode that would record automatically upon impact, accident, and or hijack.**”

b) On page 5, lines 5-9, “, and to eject said medium if it contains pre recorded data signals, as an error in function selection. For instance,super sensor scanner...”

Applicant should note that only a few examples are listed above.

Applicant is required to review the entire substitute specification (pages 1-45) and cancel all new matter.

If applicant contends that the substitute specification does not contain any new subject matter, then applicant must indicate the page and line number of the

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corresponding subject matter in the originally filed specification for review by the examiner.

Drawings

8. The drawings are objected to because of the following:
 - a) Figures 8-12 have numerous and/or cumbersome hand written information which are difficult to read.

9. Applicant is required to submit a proposed drawing correction in response to this Office Action. Any proposal by the applicant for amendment of the drawings to cure defects must consist of two parts:
 - a) A *separate* letter to the Draftsman in accordance with MPEP § 608.02(r); and
 - b) A print or pen-and-ink sketch showing changes in *red ink* in accordance with MPEP § 608.02(v).

IMPORTANT NOTE: The filing of new formal drawings to correct the noted defect may be deferred until the application is allowed by the examiner, but the print or pen-and-ink sketch with proposed corrections shown in red ink is required in response to this Office Action, and *may not be deferred*.

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Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

11. The specification is objected to under 37 CFR 1.71 because the description of the invention appears to be incomplete and/or not clear. The current invention is generally an audio/video car dubbing system. However the specification fails to point out how audio or video is transferred from one medium to another. Applicant's current disclosure (specification and drawings) lists or catalogs the various items that are found in the system, but it fails to specify how the car dubbing system actually works or functions.

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12. Claims 1-2 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The disclosure fails to suggest or teach “**stored power cell**” now recited in claim 1, lines 3-4 (page 40).

The disclosure fails to suggest or teach “**accessory modulator of a wire switch connected to said optional wire input port.....**” now recited in claim 1, lines 3-4 (page 40).

The disclosure fails to suggest or teach “**said device of claim 1 to record without commercial breaks**” now recited in claim 1, line 33 (page 41).

The disclosure fails to suggest or teach the **detailed limitations** now recited in claims 1-2. Applicant has provided pen written notations in the markup copy that refer the currently claimed subject matter back to the subject matter in the original filed specification. Although some portions of the currently claimed subject matter refer back to the originally filed subject matter, the Examiner contends that applicant has added new subject matter to the originally filed disclosure. Applicant must cancel all new subject matter from the claims.

If applicant contends that the claims do not contain any new subject matter, then applicant must indicate the page and line number of the corresponding subject matter in the originally filed specification/drawings for review by the examiner.

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13. Claims 1-2 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

For example:

Claim 1 recites the limitation "**said means of transmitting the device embodied frequency signals of new music releases**" in lines 15-16. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "**said auxiliary output device**" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "**means of said accessory modulator of a wire switch**" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "**said optional input**" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "**said Ffc and Fds sensors**" in line 30. There is insufficient antecedent basis for this limitation in the claim.

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Claim 1 is vague because the limitation "chip or switch (Figs. 8, 10 , 15)" is referring back to figures which are objected to as discussed above.

Claim 2 is vague because the phrase "**Provided for optional use with the device of said claim 1**", in line 1, implies that all the limitations of claim 2 are not essential.

Claim 2 is vague because it is not clear which information or means the phrase "**and or information stored by means of claim 2**" in line 9 is referring to.

Claim 2 is vague because it contains language that refers back to claim 2. For example, note the phrases "**in such a manner that when said claim 2 is inserted**" (line 10) and "**said apparatus means of claim 2**" (line 12).

Response to Applicant's Amendments/Arguments

14. Applicant's response filed 5/23/01 and 4/11/2001 have been fully considered.

15. Applicant should note that there is no art rejection because of the numerous rejections and objections to the disclosure and claims.

Suggested Draft claims

16. The following claims drafted by the examiner and considered to distinguish patentably over the art of record in this application, claims 1-3 are presented to applicant for consideration:

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Draft Claims

1. An integrated car dubbing unit comprising:
 - a LCD screen,
 - a computer mother board with optional ports,
 - a reverse logic dubbing CPU,
 - a record/playback memory space,
 - a record/playback tape deck,
 - a record/playback CD-player,
 - high speed dubbing and high speed memory erase capabilities,
 - an audio/video surround sound microphone and infra red night vision camera,
 - a full function fax and print delivery tray,
 - an accessory and/or auxiliary port,
 - a digital/analog clock,
 - a dual purpose audio/video track disk having software downloaded onto the motherboard that is used to reboot the CD player or re-configure the unit if there was a unit failure, and

wherein the unit detects satellite, AM/FM radio stations and television broadcasts including live music and upon detection of a commercial break, station break, distortion or satellite interruption, the unit pauses a recording function until the commercial or station break, distortion or satellite interruptions are eliminated, and

✓
OK

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wherein the unit downloads software/programming from satellite/wireless sources for backup purposes, and

(wherein the microphone and camera provide telephone/video-conferencing and capture impacts and unwarranted intruder for later review by authorities or aid in reducing insurance cost)

and ^{NOT OK} ~~an audible sound alerts a motorist~~ ^{OK p.35} (when the camera senses fatigue in the motorist,) and

wherein the unit supports ^{OK} Internet access, on-line banking, stock market trading on-the NYSE, NASDAQ and other exchanges, commodity and precious stone/metal trading. ^{OK}

2. The integrated car dubbing unit of claim 1, further comprising recording from a station onto tape or CD, tape to tape, CD to CD, CD to tape, and tape or CD to memory.

3. The integrated car dubbing unit of claim 1, wherein the unit is impact resistant and further comprises a retractable assembly.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee et al., Groeger et. al and Owens et al. disclose integrated car radio units.

18. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT")

19. It is called to applicant's attention that if a communication is deposited with the U. S. Postal Service and mailed to the Office by First Class Mail before the reply time has expired, applicant may submit the reply with a "Certificate of Mailing" which merely asserts that the reply is being mailed on a given date. So mailed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231
on _____ (date).

Typed or printed name of person signing this certificate

Signature _____

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Date _____

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306 0377.



Christopher Grant
Primary Examiner
September 6, 2002